

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOROTHY NESKE and CHRISTOPHER NESKE,
as Parents and Natural Guardians of A.N., and
DOROTHY NESKE and CHRISTOPHER NESKE,
Individually,

Plaintiffs,

-against-

DAVID C. BANKS, in his Official Capacity as the
Chancellor of the New York City Department of
Education and the NEW YORK CITY
DEPARTMENT OF EDUCATION,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
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22 Civ. 6946 (AT)

ORDER

The Court has reviewed Defendants' letters dated February 21 and 22, 2023. ECF Nos. 20–21. Defendants request leave to file under seal “the certified copy of the administrative record underlying this action which is brought pursuant to the Individuals with Disabilities Education Act.” ECF No. 20 at 1. Defendants state that “the administrative record in this action is replete with confidential information, including the name, date of birth, and other pedigree information of the minor student, A.N., on whose behalf Plaintiffs[] bring this action[.]” *Id.*¹ The Court concludes that Defendants have met their burden to demonstrate that the interests in filing the underlying certified record under seal outweigh the presumption of public access under *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Accordingly, Defendants' request is GRANTED.

The Clerk of Court is directed to terminate the motions at ECF Nos. 20 and 21, and change the viewing level at ECF Nos. 20-1, 20-2, and 20-3 to court users and the applicable party.

SO ORDERED.

Dated: February 27, 2023
New York, New York



ANALISA TORRES
United States District Judge

¹ By letter dated February 22, 2023, Defendants note that they “erroneously attached the certified record to a request to seal letter that was not a sealed filing and thus contains a minor’s name a[nd] date of birth.” ECF No. 21 at 1.